

(2022-100)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ENEDELIA VILLARREAL §
§
VS. § CIVIL ACTION NO. _____
§
THE CHILDREN'S PLACE INC. § JURY DEMANDED

DEFENDANT'S NOTICE OF REMOVAL

Defendant, THE CHILDREN'S PLACE INC., files this Notice of Removal to the United States District Court for the Southern District of Texas, McAllen Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, based on the following facts, which show that this case is properly removable:

I.

PROCEDURAL BACKGROUND

1. On November 30, 2021, Plaintiff, ENEDELIA VILLARREAL (hereinafter "Plaintiff"), commenced an action in the County Court at Law No. 6 of Hidalgo County, Texas, Cause No. CL-21-3957-F, styled *Enedelia Villarreal v. The Children's Place Inc.* Plaintiff alleges Defendant is liable to her for negligence under a premises liability theory.

2. On or about January 3, 2022, Defendant, The Children's Place Inc. (hereinafter "Defendant"), was served with a copy of Plaintiff's Original Petition and Request for Disclosure (hereinafter "the Petition").

3. In accordance with 28 U.S.C. § 1446(b), Defendant's Notice of Removal is timely as it is filed within 30 days of actual or constructive receipt of the Petition.

4. At the time suit was filed, and continuing to the present, this Court had, and still has, original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). There is complete diversity of citizenship between Plaintiff and the Defendant. There are no statutory bars against removal to the United States District Court, Southern District of Texas.

5. In addition, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.¹

II.

PARTIES

6. Plaintiff, Enedelia Villarreal, at the time this action was commenced, was, and still is, a resident and citizen of the State of Texas. Specifically, Plaintiff alleges to be a resident of Donna, Hidalgo County, Texas.²

7. Defendant, The Children's Place Inc., at the time this action was commenced, was, and still is, a corporation organized under the laws of the State of Delaware with its principal place of business in Secaucus, New Jersey.

III.

BASIS FOR REMOVAL: DIVERSITY JURISDICTION

A. Diversity Jurisdiction Exists.

8. Removal is proper because this lawsuit involves a controversy between citizens of different states. Specifically, Plaintiff is now, and was at the time of removal, and at the time of the filing of the instant lawsuit, a resident and citizen of the State of Texas.

¹ See Exhibit A, Plaintiff's Original Petition, pg. 1, ¶ 2.

² *Id.*

9. In contrast, Defendant, The Children's Place Inc., is now, and was at the time of removal, and at the time of the filing of the instant lawsuit, a corporation organized under the laws of the State of Delaware with its principal place of business in Secaucus, New Jersey.

IV.

COMPLIANCE WITH REMOVAL PROCEDURES

10. A copy of this Notice of Removal was filed with the clerk of the State Court in which the original action was filed, as required by law.

11. Pursuant to Local Rules 3 and 81, this Notice of Removal is accompanied by a Civil Cover Sheet and copies of the following attached documents:

- a. Pleadings asserting causes of action (Exhibit A);
- b. All orders signed by the State Judge (Exhibit B);
- c. The state court docket sheet at the time of removal (Exhibit C);
- d. An index of matters being filed (Exhibit D); and
- e. A list of all attorneys, including their addresses, telephone numbers, and the parties they represent (Exhibit E).
- f.

V.

PRAYER

For these reasons, Defendant, THE CHILDREN'S PLACE INC., requests that the Court take jurisdiction of this action to its conclusion and final judgment, to the exclusion of any further proceedings in State Court, in accordance with law.

Respectfully submitted,

/s/ Anthony B. James

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing, Defendant's Notice of Removal, has been served on the 19th day of January, 2022 to all attorneys of record via E-Service as follows:

Email: flopez@myrgylawyer.com

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Attorney for Plaintiff

/s/ Anthony B. James

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